

THE RIGHT OF PETITION.

47

REMARKS

OF

MESSRS. SEWARD, HALE, AND CHASE,

WITH A

ETCH OF THE DEBATE IN THE SENATE ON VARIOUS PETITIONS AND OTHER MATTERS
CONNECTED WITH THE SUBJECT OF SLAVERY.

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THE RIGHT OF PETITION

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DEBATE ON THE RIGHT OF PETITION, IN THE SENATE.

WEDNESDAY, FEBRUARY 6, 1850.

Mr. Mangum took occasion to present the proceedings of a meeting at Wilmington, N. C., denouncing the fanaticism of the North, proposing measures for the representation of that State in the Nashville Convention, and threatening a dissolution of the Union in a certain contingency.

Mr. Mangum seconded the views presented in the report, and denounced all projects of compromise. He regarded the North as the aggressor continually, and announced that North Carolina prepared to resist, at all hazards and to the extreme. He would abide the decision of his countrymen, and put his old frame upon the line in the common cause.

Mr. Mangum, hitherto regarded as a moderate man, with some expectations of a Whig nomination for the Vice Presidency, was exceedingly violent on this occasion—as ultra as South Carolina and Mississippi members. He had been an attentive listener a few days before to the extravagant speech of Mr. Clingman, who, having failed, with the aid of his new allies, the Democrats, to elect Mr. Badger from the Senate, is suspected of design to secure, if possible, the place of Mr. Mangum; who, naturally anxious to retain his comfortable seat, is not willing to have it thought that he is a whit behind Mr. Clingman in his support of the extremest pretensions of the South.]

Mr. Hale. Mr. President, I object to the reception of the paper. I suppose in that case the question must first be taken on its reception.

The Vice President. The reception of the paper is objected to. The question is on its reception.

Mr. Hale. I wish to say a word or two on this question. When I first took my seat in the Senate, I was charged by my constituents with the presentation of a petition asking any action or expressing any sentiments favorable to any action on the subject of slavery in the District of Columbia, or anywhere else, objection was made to its reception, and a motion made to lay the question on the table, which motion prevailed. And,

sir, one of the first individuals who expressed his opinion as to the course of proceeding in presenting petitions or memorials of that character was the Senator from North Carolina, who has just now taken his seat. He took occasion, sir, upon the presentation of papers of that character by myself, to say that up to that time so judicious had been the course of the Senate—adopted, I think he said, after consultation among the leading men on both sides of the chamber—that they had come to an understanding that when any petition or memorial of that character, looking to the action of the Government in any way in relation to the subject of slavery, was presented, the question of reception should be considered as raised at once, and a motion made to lay it on the table, and thus they got on quietly, peaceably, and harmoniously. And he said, too, that he regretted that there had been such a revolution in any remote State of this Union as, by accident, had thrown such a firebrand as myself into this Senate. Well, sir, I heard it all, and submitted to it; and such has been the course of the Senate. Thus far, every paper looking in the remotest degree to any action of the Government, or presenting here any opinions of individuals adverse to the institution of slavery, has, the question of reception being raised, been laid on the table. Now, sir, if such is the rule to be applied to us north of Mason and Dixon's line; if it is improper, unconstitutional, and reprehensible, to bring petitions and memorials here from the North country expressing opinions unfavorable to the institution of slavery, I ask if it is not equally proper that petitions and memorials coming from south of that line, and looking to a different action on the subject, should receive the same fate? I am not mistaken about the character of these resolutions, although they are not so definite in their terms as they are when appended to the speech of the honorable Senator in explanation of them. He says they all look to and refer to the agitating questions which now divide this country. They declare, sir, that the good State of North Carolina, which has had so high a eulogium passed upon her, and from which I do not feel any wish to detract, that same loyal old North State has at last waked up to the aggressions of the North. Sir, I wish that the intelligence of North Carolina had given its attention to the inquiry, and pointed out what are those aggressions. I wish, if it could, that it had laid its finger on a single word, letter, or line, that was

spoken or written at the North, that contemplated any aggressive action by this Government on this institution. The honorable Senator seemed to say, and he did say most distinctly, that the South in its position only occupied the defensive. I confess, sir, I am not so well versed in the dictionaries as are some gentlemen, but if the course of the North on this subject is aggressive, while that of the South is defensive merely, I confess I am poorly skilled indeed in this chapter of definitions. He says that all they ask at the South is "hands off." That is all we want at the North, sir, "hands off." Talk about our being aggressive! The history of this Government will show that the course of the North, from the first institution of the Government, from the first adoption of the Constitution down to the present time, has been concession, and concession, until now our very women and children reproach us with the pusillanimity which permits our rights to be trampled upon here by the action of this Government. We have conceded, and conceded, and yielded, until nothing is left to yield; and now we are told, in substance, that if we do not come forward and take hold with our own hands, and help in extending this institution of slavery—that if we do not identify ourselves, soul and body, in all the responsibility belonging to its existence, perpetuity, and eternity, we are aggressive, and that the Union is to be dissolved.

I raise the question of reception, and to move to lay that question on the table, and I shall vote against it. I raise it merely that the Senate may have an opportunity of administering the same justice to the South that we of the North have had to take, whether we would or not. I ask for the yeas and nays on the motion.

Mr. Mangum. Will the Senator withdraw the motion to lay on the table for a moment?

Mr. Hale assented.

Mr. Mangum. I have but one remark to make. As to all this affair of concession on the part of the North, the merest schoolboy in our history knows that there is very little in it. The difference between this case and those referred to by the Senator, where the question of reception is raised and that motion is laid on the table, is just this, and it will be seen that they present two distinct questions. These memorials from the North invoke action on the part of Congress; these resolutions invoke no action whatever. That is the distinction. Those from the North ask for an interposition of Congressional action to do—what? What nearly one-half of this Union, if not more, believe Congress has no right to do under the Constitution. These resolutions are designed as a mere notification, and ask no action on the part of Congress.

Mr. Hale. I renew the motion to lay the question of reception on the table.

The yeas and nays were ordered, and the Senate refused to lay the question of reception on the table by the following vote:

Yeas—Messrs. Bradbury and Douglas—2.

Nays—Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Borland, Bright, Cass, Chase, Clarke, Clay, Clemens, Cooper, Corwin, Davis of Massachusetts, Davis of Mississippi, Dawson, Dickinson, Dodge of Iowa, Dodge of Wisconsin,

Felch, Foote, Greene, Hale, Hamlin, Houston, Hunter, Jones, King, Mangum, Mason, Miller, Morton, Norris, Pearce, Phelps, Pratt, Rust, Sebastian, Seward, Smith, Soule, Spruance, Tappan, Upham, Wales, Walker, and Whitcomb—41.

The resolutions were then received and laid on the table.

THURSDAY, FEBRUARY 7, 1850.

On the 7th, the morning hour was occupied by the presentation of petitions. Some of the proceedings were quite dramatic, as will be seen by the following report, which we copy from the *National Intelligencer*:

MEMORIALS FOR THE ABOLITION OF SLAVERY

Mr. Hale. I have received and been requested to present to the Senate the memorial of an association of Friends for promoting the abolition of slavery and improving the condition of the free people of color, asking Congress to do what they may to prevent the increase of slavery, by the non-admission of any new States into the Union or the erection of any new Territorial Governments which do not contain organic laws expressly prohibiting the continuance or establishment of slavery within their limits. I move that it be referred to the Committee on Territories.

The Vice President. Does the memorial come within the rule? Does it ask for any action by Congress on the subject of slavery?

Mr. Hale. I believe it does not. It simply demonstrates against the admission of any new slave States or Territorial Governments.

Mr. King. Who is it from? Is it from negroes?

Mr. Hale. I believe the rule does not require me to state the complexion of those from whom it comes. It is from an association of Friends in Pennsylvania. I do not know that they are people of color. The memorial states nothing about their complexion.

The Vice President. It is moved that the petition be received and referred to the Committee on Territories.

Mr. Hale. I have also a petition from citizens of Collins Centre—

Mr. Clemens. I object to the reception of the memorial.

Mr. Hale. I ask if it is in time.

The Vice President. The Chair is of opinion that it is in time; the question had not been taken.

Mr. Hale. I ask then for the yeas and nays on that question.

Mr. King. I ask that the petition be read.

The Secretary read it as follows

To the Senate and House of Representatives of the United States of America:

The Association of Friends for promoting the abolition of slavery and improving the condition of the free people of color respectfully represents:

That the members of the Society of Friends have long maintained the principle that "all men

created equal, that all should have equal rights and privileges guaranteed to them as citizens of a common country."

In view of this, they have been led to look at the increased extent of our domain, and of the necessity of maintaining over its wide surface such equal laws as shall render happiness and security to all. The system of slavery, which has so long burdened and desolated the Southern portion of our land, is viewed by us all with deep concern, and the fear presses upon us that in the admission of new States into the Union, and the erection of new Territories, this terrible evil may be spread and perpetuated, thus adding blight to blight, with its vast addition of distress, of sorrow, and of sin.

We, however, ask you, possessing, as you do, legislative power, to prevent the increase of this dreadful evil, by the non-admission of new States into the Union or the erection of new Territories whose Constitutions or organic laws do not contain express prohibitions to the establishment or the continuance of slavery within their limits.

Signed, on behalf of the aforesaid Association, at its monthly meeting, held in Philadelphia on the tenth day of the 11th month, 1849.

JACOB M. ELLIS, }
LYDIA GILLINGHAM, } *Clerks.*

The Vice President. The question now is on the reception of this petition.

Mr. King. I move to lay that motion on the table.

Mr. Hale. Let us have the yeas and nays, sir.

The yeas and nays were ordered, and, being taken, resulted as follows:

Yeas—Messrs. Atchison, Bell, Borland, Bradley, Bright, Cass, Clemens, Davis of Mississippi, Dawson, Dickinson, Douglas, Downs, Foote, Houston, Hunter, King, Mangum, Morton, Pearce, Pratt, Rusk, Sebastian, Soule, Sturgeon, Turley—25.

Nays—Messrs. Baldwin, Chase, Clarke, Clay, Cooper, Corwin, Davis of Massachusetts, Dodge of Iowa, Dodge of Wisconsin, Felch, Greene, Hale, Miller, Norris, Seward, Smith, Spruance, Underwood, Upham, Wales, Walker—21.

So the motion to receive was laid upon the table.

Mr. Hale. I have also received a petition, numerously signed, from Collins Centre, in the State of New York. They ask the attention of Congress to several facts which they specify, among which they say that two individuals, of the names of Clayton and Sayre, are imprisoned in the District of Columbia, on the false assumption that there is a law legalizing slavery in the District of Columbia. The remedy which they propose is the impeachment of the judges concerned in the case.

The second evil of which they complain is the action of the Secretary of State in refusing a passport to Mr. Hamilton, a colored person.

The third evil is that the Marshal of the District of Columbia imprisons persons for no crime but that of complexion; and that if they were of different complexion, they would go unmolested.

The fourth evil is, that there are a great many persons in the District who are actually held as

slaves; and, inasmuch as there is a widespread delusion in the country that Congress has the power to legalize slavery, they pray that Congress will hasten to dispel such delusion, by declaring that they have no such power, and that they will abolish slavery in the District. I have no doubt this comes within the rule.

The Vice President. The question is on the reception of the petition.

Mr. Mangum. I move to lay that question on the table.

The motion was agreed to.

Mr. Hale. I have received also, and been requested to present to the Senate, a petition from a number of ladies of Germantown, Philadelphia county, Pennsylvania; and I wish, in order that the Senate may understand the character of the petition, to read the commencement. They address us as "Dear Friends," and after setting forth the prayer which they put in, they say: "Trusting that you will adopt measures for the furtherance of these objects, we bid you an affectionate farewell." [Laughter.]

The petition prays that Congress will prevent the introduction of slavery into the Territories, and also will abolish it in the District of Columbia.

The Vice President. The question will be on the reception of the petition.

Mr. Mangum. I move to lay that question on the table.

The motion was agreed to.

Mr. Hale. I have also received a petition from various citizens of the county of Philadelphia, praying that Congress will prohibit the internal slave trade so extensively carried on between the slave States.

The Vice President. The Chair is not advised whether this petition come within the rule.

Mr. Hale. I believe it does.

On motion, the question of reception was laid on the table.

Mr. Hale. I have another petition from the State of Pennsylvania, and in presenting it, I wish to make a single observation. The Chair remarked that he did not know that the memorial just presented came within the rule. I believe there is no rule.

The Vice President. The usage.

Mr. Hale. The usage is to receive everything from the South, and reject everything from the North, without asking what the nature of it is. This is a petition from citizens of the State of Pennsylvania, requesting Congress to take measures for the abolition of slavery within this District. I believe that comes within the rule.

On motion, the question of reception was laid on the table.

Mr. Hale. I have also two other petitions from Philadelphia, numerously signed, praying for the same object.

Mr. Mangum. I move to lay the question of reception on the table.

The motion was agreed to.

Mr. Hale. I have also received a petition from inhabitants of Pennsylvania and Delaware, stating that they believe that the Federal Constitution, in giving its support to slavery, violates the Divine law and makes war upon human rights, and is inconsistent with republican principles; and that the attempt to unite slavery and freedom in one body politic has already brought upon the country great and manifold evils, and has fully proved that no such union can exist but by the sacrifice of freedom to the supremacy of slavery.

They respectfully ask Congress to propose without delay some plan for the immediate and peaceful dissolution of the American Union.

I trust, as the Senate decided yesterday that it was in order to receive resolutions threatening to do the same thing forcibly, they will at least receive a petition asking them to do it peaceably.

The Vice President. The question will be on the reception of this petition.

The question was put, and the Vice President was about to state the result, when a division was called for in several parts of the Chamber.

Mr. Hale. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. Underwood explained his views upon the right of petition. There were two limitations upon it—one was, the want of power in the body addressed to grant the prayer of the petitioners; the other was, the exemption of the petitioners from the operation of the law which they asked to be passed.

FRIDAY, FEBRUARY 8, 1850.

On the 8th, the subject of the petition for dissolution again came up, and Mr. Douglas proceeded to define his position. He had always voted for the most summary disposition of such petitions, believing their tendency was to aggravate excitement on the slavery question, and weaken the bonds of the Union. As to this petition for dissolution, he would vote for its rejection. But, he was for a uniform rule on the subject of petitions touching slavery, let them come from what quarter they might—North or South. He had voted to lay the question of the reception of the proceedings of the meeting presented by Mr. Mangum on the table, but he was surprised that Southern Senators had refused to apply in that case the rule they had so rigidly enforced in reference to such matters coming from the North.

Mr. Sturgeon of Pennsylvania denounced the petition as spurious, "the work of some violent, black-hearted abolitionist."

Mr. Dawson. Does the Senator from New Hampshire [Mr. Hale] recognise the power of Congress to dissolve this Union, either peaceably or forcibly; and if it is desirable to lay the foundation for the commencement of such a project, does he feel himself, as a patriot, as a Senator repre-

senting a sovereign State, called on to present that tremendous question in this body? If I believe Congress has that power, then let the petition be received; or if he should be instructed by his constituents to make the effort, let it then be received. Why are we constantly irritated here by the presentation of petitions of this kind upon which he knows there can be no action on the part of Congress? Is it for the purpose of irritating one portion of the Union against the other, or is it to gratify the feelings of those who are said to be fanatical on this subject? If it be neither of these motives, why disturb the peace and harmony of this Union, and interrupt the legitimate business of this body, by the presentation of such petitions? Is it to gratify a personal feeling, or what object is there in it?

The question about the Union is one that I am not now going to discuss. If gentlemen have inward feelings driving them into a desire to dissolve this Union, they had better not express them here. If they do, let it be done on an occasion when the members of this body can constitutionally express an opinion.

Mr. Hale. Mr. President, I would have been gratified if a little of this admonition had been called forth on some other occasion. I have said here during this session, and I have heard this Union not only threatened, but its dissolution announced. I sat yesterday and heard the Senator from North Carolina [Mr. Mangum] say, in reference to a course of legislation which he well knew had been adopted by Congress within the last two years, that if it was persisted in, he and others had placed themselves in a position of resistance to it, in which they would defend themselves at every hazard. I have heard it again and again declared by Senators coming from another section of the Union, that if Congress should adopt certain measures, they would not submit but would resist them at every hazard. Such declarations called forth no rebuke. The Senator from Georgia [Mr. Dawson] sat in his seat as quietly as I did; but now some people who do not hold exactly to that mode of doing business, who do not come here threatening and denouncing the Union, believing that Senators are in earnest in their threats, ask us to do it peaceably, as they are non-resistant; and all this indignation is worked up and poured out on my head. The Senate is called upon to put me down, and an appeal is made to know why the Senator dares to present such a petition. Sir, I dare walk up to the line of my constitutional duty, as I understand it. I dare do everything that I believe to be constitutional, and the Senate cannot put me down until they resolve to put down the constitutional privileges of the State which I in part represent here.

In regard to this petition, I see nothing irritating or insulting in it. We have to hear every day from the other side of the Chamber very different language from this petition. It has nothing to do with any action in reference to slavery—it asks that Congress shall propose immediate measures for the peaceable dissolution of the Union. And let me say, that if the argument set forth by the Senator from Georgia [Mr. Dawson] to-day, and by the Senator from Kentucky [Mr. Underwood] yesterday, is to be the rule by which the good people of the United States are to be

measured, then the right of petition is not worth anything, for it amounts to nothing. Those Senators put it on the ground that I have no right to present a petition here for action upon a subject upon which I believed Congress had no power to act. That is not my business—not at all. It is for the people to judge as to what they shall petition for, and when the time comes for action, then I have the right to judge as to what is the power of Congress to grant their prayer. The people who petition have the right to judge also whether Congress has a right to act, and then, when the subject is before us, we have the right to judge and decide on the propriety and power of Congress to act.

Mr. Davis of Massachusetts spoke with some warmth against the reception of the petition. It called upon them to destroy what they were sworn to support.

Mr. Foote expressed his "cordial acquiescence in the patriotic sentiments" of the Senator from Massachusetts. He then spoke of the course of Mr. Hale, attributing it to the merciless castigation he had recently received from a Disunion convention in the city of Boston, in which Mr. Garrison and Abby Kelley figured. He said:

But that I condole so profoundly with the honorable Senator from New Hampshire, on account of the compulsion to which he is from time to time subjected, and the necessity imposed upon him of doing many things here which I must hope are not entirely agreeable to his own taste, in order to keep up his popularity and influence at home—that is to say, among the factionists whose special agent in this body he undeniably is—I should be induced to apply to him and his conduct on the present occasion the harshest language and censure. I should be even induced to go farther, and to impose upon him the severest penalties to which a member of this body can be subjected. One thing is certain: it was only a few years ago that John Quincy Adams himself was very nearly being expelled from the House of Representatives for undertaking to present in that body such a petition as that now before us. Expelled he would certainly have been, but for the merciful postponement of action upon the motion for expulsion, which was accorded to his age and former services, and the intermediate rendition of semi-satisfactory apologies in one form or another. I repeat, that but for the commiseration which I feel for the honorable Senator of New Hampshire, constrained, as he evidently considers himself to be, to play the wretched part which he is now playing as the representative and agent of factionists and traitors, I should be not only induced to censure him harshly, but I should even be in favor of enforcing against him the heaviest penalties for factional misconduct. Perhaps I might even be willing to submit such a motion for expulsion myself. As it is, I will not do it. I am willing to let the Senator from New Hampshire do pretty much as he pleases in relation to this whole subject of slavery. I believe him to be morally quite innocuous at this time; I feel certain of his voice here, if it ever had any potentiality, is lost it all, and that, were he to talk here forever in favor of the abolition of slavery, he would not

be able to alter the opinions or modify the action of a single intelligent human being, either in this body or out of it. I shall offer no motion for expulsion, and I feel half induced even to take back my former threat of hanging him. Yes, sir, I will take it back; and I do accordingly declare that I have not the least idea of ever hanging the honorable gentleman, however offensive his conduct in future may be. I hope that this formal declaration may be effectual to dispel all apprehensions heretofore entertained on that point.

Mr. Hale: I desire to say to the Senator who threatens me with the resolution of expulsion—

Mr. Foote. Oh, no, I have expressly said I would not do it. "*De minimis non curat lex.*"

Mr. Hale. That means, I suppose, the law doesn't care for minnows. [Laughter.] I have but a word to say. The Senator thinks the speech I made this morning to have been the result of some castigation I have received from newspapers. On the same principle, then, it is very probable that the speeches we get from him are to be attributed to the castigations he has received from the same sources. If so, I appeal to all the newspapers and letter-writers in the country, in the name of the Senate, and of humanity itself, not to castigate the Senator from Mississippi any more, for in doing so they punish the Senate and the world.

Mr. Foote. I shall make but a short reply to the honorable Senator from New Hampshire. Whether the Senate is or is not punished by me in the way suggested, it is at least certain that I do endeavor to inflict more or less of punishment upon certain offenders in this body, in behalf of whom it is not at all surprising that the gentleman from New Hampshire should feel a special sympathy. I am willing that the Senate and the country shall determine whether the honorable gentleman or myself is most censurable upon the very delicate point referred to. As to my being instigated to address this body so frequently in the manner alluded to, I am glad to have it in my power to assure the honorable gentleman that the newspapers in my vicinage, and indeed those of that whole section of the Union whence I come, seem not at all hostile to me. If I am censured by them at all, I am not myself aware of it, and, so far as I am informed on the subject, my public course stands approved, with very slight exceptions, indeed, throughout the Southern portion of the Confederacy. I do not very well know what is said of me elsewhere, nor do I very much care. It is certain that I have at no time complained of editorial denunciations, and even the letter-writing tribe have seldom irritated my sensibilities. If I speak oftener than there is need of my doing, it is perhaps more or less attributed to the *cacæthes loquendi*. For the comfort of the honorable Senator and his allies here, I could almost wish that I could become dumb; I cannot doubt that they would greatly rejoice at being relieved from that dread of punishment which sits now heavily upon their sensibilities. When causes of offence become less numerous, I hope to be spared the necessity of speaking so often. When this happy state of things shall be brought about, I cannot even divine.

Mr. Davis of Mississippi, after some remarks on the difference between the Pennsylvania petition and the North Carolina resolutions, proceeded to say :

I recollect, a good many years ago, that the Senator from Massachusetts, who addressed the Senate this morning very pointedly, described the right of petition as a very humble right—as the mere right to beg. This is my own view. The right peaceably to assemble I hold as the right which it was intended to grant to the people; that was the only right which had ever been denied in our colonial condition. The right of petition had never been denied by Parliament. It was intended only to secure to the people, I say, the right peaceably to assemble, whenever they choose to do so, with intent to petition for a redress of grievances.

But, sir, the right of petition, though but a poor right—the mere right to beg—may yet be carried to such an extent that we are bound to abate it as a nuisance. If the avenues to the Capitol were to be obstructed so that members would find themselves unable to reach the halls of legislation, because hordes of beggars presented themselves in the way, calling for relief, it would be a nuisance that would require to be abated, and Congress in self-defence would be compelled to remove them. But such a collection of beggars would not be half so great an evil as the petitions presented here on the subject of slavery. They disturb the peace of the country; they impede and pervert legislation by the excitement they create; do more to prevent rational investigation and proper action in this body than any if not all other causes. Good, if ever designed, has never resulted; and it would be difficult to suppose that good is expected ever to flow from them. Why, then, should we be bound to receive such petitions, to the detriment of the public business; or rather, why are they presented? I am not of those who believe we should be turned from the path of duty by out-of-door clamor, or that the evil can be removed by partial concession. To receive is to give cause for further demands, and our direct and safe course is rejection.

Yes, sir, their reception would serve only to embarrass Congress, to disturb the tranquillity of the country, and to peril the union of the States. By every obligation, therefore, that rests upon us under the Constitution, upon every great principle upon which the Constitution is founded, we are bound to abate this as a great and growing evil. This petition, sir, was well described by the Senator from Pennsylvania as being spurious, and I have been assured of the fact from other sources of information that petitions are sent round in reference to other subjects—of temperance generally—and after a long list of names have been obtained, the caption is cut off, and the list of signatures attached to an abolition caption, and sent here to excite one section of the Union against the other, to disturb the country and distract the legislation of Congress, to execute which we have our seats in this Chamber. For the reasons first stated, I voted to receive the resolutions that were presented by the Senator from North Carolina, and, for the reasons I have just given, shall vote to reject this petition.

The Vice President. The question is upon the

reception of the petition, and upon that question the yeas and nays have been ordered.

Mr. Seward. I desire to offer an amendment to the motion. I will read it. I move that, after the word "receive," the following be inserted: "And that the petition be referred to the Committee on the Judiciary, with instructions to report, without unreasonable delay, that the Senate has neither the power nor the disposition to entertain the question."

The Vice President. I beg leave to state to the Senator that that is a distinct motion; and after the reception of the petition it will be in order.

Mr. Seward. I will then ask leave of the Senate to state simply the ground upon which I shall vote for receiving this petition. I do not suppose that it will be in my power to enlighten any member of this house upon this long debated and much vexed question of the right of petition; but I wish to have my vote go before my constituents accompanied by the reasons upon which that vote is founded.

I have considered carefully the course which was taken by a distinguished and lamented statesman——

Mr. Douglas. Will the honorable Senator allow me to make a suggestion that this subject be passed over informally until to-morrow, in order that we may proceed to the consideration of the special order of the day?

Mr. Seward. I shall be through in one moment; indeed I should have concluded all that I have to say by this time.

I have considered—I was going to say—the course taken by a distinguished and lamented statesman in the other House upon the occasion of the presentation of petitions of a character similar to that of the petition which is now presented—I mean the late John Quincy Adams—and am satisfied, as he was, that the petition ought to be received, by way of vindicating the right of petition. I have no more sympathy than he has with the object of a petition which prays for the dissolution of this Union. I have no fear of the dissolution of the Union. I believe that it was not made by madmen, nor can madmen destroy it, and I believe none but madmen would petition for its dissolution; and my rule always is, in regard to madmen, never to have any controversy with them.

Mr. Mangum. We have devoted the entire morning—the time usually allotted to business of this description—to the consideration of this matter, and it is not yet ended, nor is it likely soon to be ended; and it is really a matter that is utterly contemptible in itself. I move, therefore, that the motion to receive the petition lie on the table, and I shall decline to withdraw the motion at the request of any gentleman.

The question being put—

Mr. Mangum demanded the yeas and nays. They were not ordered.

The question was then taken upon the motion to lay the question of reception upon the table, and, upon a division, it was negatived—ayes 2, noes not counted.

The Vice President. The question recurs upon the reception of the petition.

Mr. Chase. I do not desire, Mr. President, to say anything at this time; and yet I do not wish to vote on the question before us, without stating briefly my views in relation to it. The honorable Senator from Texas is entitled to the floor upon the special order for this day, and we have already exhausted the hour usually devoted to petitions and resolutions. I suggest, therefore, that this subject be laid on the table, or passed over informally, and that we shall proceed to the consideration of the special order of the day.

As this could only be done by general consent, and several Senators objecting, Mr. Chase proceeded:

If we are to decide this question now, I must assign the reasons for the vote I propose to give, that they may go out with the vote itself. I am one of those who believe that the right of petition belongs to the People, and that it is not within the constitutional competency of this body, or any other legislative body, to abridge that right. I do not think it becomes us to say to what precise objects petitions shall be directed. That is a matter for the People to determine; and when their petitions are presented here, we their representatives are bound to receive them; and, if we decline compliance with their prayer, to assign our reasons for it; unless, indeed, the case be so plain and palpable, that the reasons for non-compliance are obvious to all. In that case we may lay the petition upon the table, without reference, as we frequently do. I see no ground for a departure from the ordinary usage with respect to petitions upon other subjects.

It was but the other day, indeed, that the Senator from North Carolina [Mr. Mangum] presented a set of resolutions, in which an ultimate result of the very same character as that contemplated by these petitioners was distinctly referred to as one proper to be sought in a certain contingency; and those resolutions were ordered to be received by an almost unanimous vote. Why not, then, receive this petition also, and dispose of it, as the North Carolina resolutions were disposed of, by laying it on the table? Or, if it be thought fit to give to this petition a different direction, why not dispose of it as suggested by the Senator from New York? Why not refer it to a Committee, with instructions to report the reasons why its prayer cannot be granted—why the Senate will not act upon such a petition?

Mr. President, I have a precedent to guide my action on this occasion.

[At this point, Mr. Chase gave way to Mr. Douglas and other Senators, who appealed to the Senate to allow the matter to be passed over in order to give the Senator from Texas an opportunity to address the Senate upon his resolutions upon slavery, which had been made the special order of the day. These appeals proving successful, Mr. Houston took the floor, and occupied the remainder of the day.]

MONDAY, FEBRUARY 11, 1850.

Mr. Chase. When I yielded the floor, on Friday, to the distinguished Senator from Texas, [Mr. Houston,] I was about to say, that the course which I proposed to take upon the question before

us had a precedent in the action of the Legislature of my own State. In both branches of that Legislature, Mr. President, have petitions on this subject been presented. They have in both branches been disposed of by reference.

In the House of Representatives, during the last session, I think, a petition of this sort was received, and was referred, and an elaborate and able report, against acting upon the prayer of the petitioners, was the result. At an earlier period, a similar petition was presented in the Senate of Ohio, and was received, referred, and reported upon. The report then submitted has since been the subject of frequent and general commendation, both North and South, as one most happily adapted to the occasion.

I think, sir, that the course thus indicated is the right course. It is founded upon a correct apprehension of the nature of the right of petition, and the true duty of legislative bodies in respect to such petitions as that now before us.

I do not concur with those honorable Senators who have seen fit to disparage the the right of petition as a "poor right," "a right to beg." It is the inestimable right guarantied by the Constitution to the people of making known, in proper form, their wishes to the Legislature. It is called, indeed, in the Constitution, the right of "*petition*." "*Petition*" is the word used. But what is meant? Not supplication, certainly; but the right of the people to express their views upon any subject of interest to them, and to ask such action as they desire. The word "*petition*" is used in the sense that belongs to it when used in judicial proceedings. It describes an application in writing. It may be an application for that which is demandable as an absolute right, or that which the tribunal or body addressed may grant or deny at discretion, or that which cannot be granted at all, for want of power to grant or to act upon the subject of the application. But it is for the people, to whom the right of petition belongs, to determine for themselves upon what occasions they will exercise it; and when they have determined, and have exercised it, and their petitions are presented here, or in any other legislative body, they should be received. To refuse to receive them is, in my judgment, an infringement upon their right. When once received, they may be disposed of as seems fit, in any way consistent with a fair and respectful hearing. To stop short of this—to refuse to receive a petition—to say to the petitioners, "you shall not be heard"—is an invasion of their constitutional privilege. Sir, we cannot abridge that privilege by law. It is not in the power of both branches of Congress combined to abridge that privilege by law; much less can we abridge it by mere usage or rule.

Nor, Mr. President, does it seem to me wise to denounce as madmen those who come here—no matter whether from the North or from the South—no matter whether their petitions be presented by the Senator from North Carolina or the Senator from New Hampshire—to ask for action preparatory to a dissolution of the Union. They are mistaken men, but, I hope, not mad. They ask for action which we have no constitutional power to take, and which we ought not to take if we had the power. They are mistaken if they think we have the power. They are mis-

taken if they think that the power, if we had it, should be exercised. They depict—the Southerners as well as the Northerners—and no doubt truly according to their respective ideas of them, the grievances which they desire to have redressed; but they have mistaken the remedy. It is not to be found in a dissolution of the Union. The petitioners from the North, who desire a dissolution of the Union, desire that which, if accomplished, would in no degree advance their purposes. The petitioners or resolutionists from the South, who contemplate disunion, look to that which, if attained, would overwhelm all their hopes in utter ruin.

I regret, Mr. President, that, upon the motion to receive the petition now presented, we are not to have the vote of the honorable Senator from Illinois, [Mr. Douglas.] He apprehends, clearly enough, the line of discrimination established here. The question of reception was made upon the petition presented a day or two since by the Senator from North Carolina, [Mr. Mangum.] That petition, like this, looked towards a dissolution of the Union; yet the Senate decided to receive it almost unanimously. There were but two votes against reception. One of these votes was given by the honorable Senator from Illinois, in conformity with the usage to which he adheres, of denying reception to all petitions on this subject, or touching in any way the great question of Slavery, whether they come from the North or the South. But after the honorable Senator saw, as he did see, that the usage to which he adhered was to be disregarded, and that, instead of it, there was to be a mere invidious sectional discrimination in respect to the reception of petitions, I did hope that he would be inclined to give to petitions from the North the same benefit of hearing which the Senate, by a vote so nearly unanimous, accorded to petitions from the South.

I regret, also, that we are not to have the vote of the Senator from Pennsylvania, [Mr. Sturgeon.] I am sorry he could not see in the petition from North Carolina, for the reception of which he did vote, the hateful characteristics which he sees in this, which comes from citizens of his own State. I congratulate the Senator, however, on the applause which his discrimination has drawn from honorable Senators on the Whig side of the Chamber, and particularly from the Senator from Georgia, [Mr. Dawson.]

The Senator from Massachusetts, [Mr. Davis,] too, avows his purpose to vote against the reception of this petition, although he voted for the reception of the petition from North Carolina. I am sorry for this; but he, too, has his commendation and his commender. While the Senator from Georgia [Mr. Dawson] bestows the meed of approbation upon the Senator from Pennsylvania, [Mr. Sturgeon,] the Senator from Mississippi [Mr. Foote] baptizes with his applause the Senator from Massachusetts.

I have already said that I have no objection to receiving this petition, and laying it on the table, as was done with the one from North Carolina. I am quite willing that both petitions should be referred to a committee, with such instructions as the Senate may see fit to give. But I protest against discrimination. Let every respectful petition presented here, no matter from what quarter it comes, meet with the reception due to the

representations of the people addressed to the representatives. Let them be received. If the Senate entertains, in regard to the objects for which they pray, opinions so unanimous, so fixed, and so unalterable that reference would be useless, let them be laid upon the table; or if it be thought desirable, for the sake of satisfying the petitioners and the country, to answer the petition by a statement of reasons why its prayer cannot or should not be granted, let it be referred.

In most things, Mr. President, it will give me pleasure to follow the example of gentlemen from whom I am now compelled to differ. But in this matter I think it safer and better to follow the example which has been set before me by the Legislature of my State. That example is in favor of receiving this petition, and denying its prayer. With the people of Ohio the right of petition is sacred, and sacred also is the union of the States.

I shall vote, therefore, for the reception of this petition; and I shall, also, on every occasion, by my vote and by my action, prove that I am, at Ohio is, for the Union and against dissolution.

Mr. Dayton of New Jersey said he was an advocate of the right of petition in its full extent but he had yet to learn that this right extended to the destruction of the sovereign power petitioned. It was a right limited to the redress of grievances.

But he agreed with the Senator from New Hampshire, in his comments upon the reception of the proceedings of the meeting at Wilmington, North Carolina. That was a violation of the usage of the Senate, by which all such papers, coming from the North, had been uniformly objected to, and the question of reception then laid upon the table. When some time since a memorial of the kind was presented by the Senator from New York, (Mr. Seward,) the question of reception was raised, and then laid upon the table.

[Mr. Dayton very clearly showed the nature of the usage, and the readiness with which it had been violated by the slaveholders, as follows:]

But, sir, let me say, with great respect, this rule or usage ought to be lived up to, upon both sides of the Chamber. And permit me to say that it has been violated, in my judgment, in the case to which the Senator from New Hampshire [Mr. Hale] has referred—the case of the memorial of the Senator from North Carolina, [Mr. Mangum]—in which the South has come before us to agitate this question. The rule never, as I understood it, applied simply to those cases where Congress was asked for some action. One-half of these slavery memorials have been nothing more than a declaration of opinion, an enunciation of sentiments; and the reception of those memorials, whether asking Congress to pass laws or limiting themselves to the mere enunciation of opinion, were all laid upon the table, upon the rule and practice of the Senate. Yet, here is a memorial upon this very exciting subject, which comes here and is received by our friends upon the other side of the Chamber. Now, sir, the rule ought to be applied to both sides of the question, and I will apply it to both sides of the question. This rule has been adopted by me in good faith, with a view to avoid the agitation of this question.

As to the petition before them, however, he was opposed to receiving it at all.

Mr. Cass thought the right of petition important, but the ballot box much more important. In England, all the people had left was the right of petition; but the people here could change their rulers, when they pleased. Petitions should be decent in their language, and the action they ask for should be within the sphere of the constitutional power of Congress.

If we have no power to grant the prayer of the petition, why should such a petition be received? and our time thus profitlessly spent might be devoted to useful and national purposes. I am not speaking, sir, of a doubtful question—of petitions or measures of doubtful validity, and about which reasonable men may differ and do differ. These should be respectfully received and considered. But I speak of applications for the exercise of powers which we have clearly and undeniably no right to assume—like this for the dissolution of the Union, or for the annihilation of a State of this Confederacy.

It has been said, sir—and it has been said in reproach—that if we ought not to receive petitions asking us to do an unconstitutional act, we ought not to receive petitions or remonstrances against such an act.

I do not so understand our own duties or the rights of the people. There is a great difference between a proposition to do what we have no right to do, and a remonstrance against doing it, when there is reason to apprehend it may be done. The one asks us to violate our oaths and the Constitution, the other to recollect the obligations of both.

This petition asks us to dissolve the Union. I shall vote for rejecting it; and if there were any other mode by which our indignation at such a wicked and foolish proposition could be more powerfully expressed, I should adopt it with pleasure.

[Mr. Cass then branched off into a discussion of the blessings of the Union, and the horrors of Disunion, speaking with as much fervency as if the Union were really in danger from the petition before the Senate.]

Mr. Webster. I am quite sorry that my friend from New Hampshire has presented any such petition as this, and I shall be quite surprised if the proposition to entertain it receives any favor in this body. It would be, or at least appear to be, an assumption of power—as if by some possibility we could do something to the effect and with the tendency which this, I will say presumptuous, petition contemplates. Now, sir, I think the substance of the petition is such that, to be proper, it should have a preamble in these words:

"Gentlemen, members of Congress: Whereas, at the commencement of this session, you and each of you took your solemn oath in the presence of God, upon the Holy Evangelists, that you would support the Constitution: now, therefore, we pray you to take immediate steps to break up the Union, and overthrow the Constitution of the United States as soon as you can."

Mr. Butler. It seems to me that it is a petition for the right to commit suicide, originating, I will not say with madmen, but presented by those

who have the torch in their hands to burn down the temple, and then come here and preach sermons over the ruins of this country which they have aroused into conflagration, and attempt to throw the blame upon others; yes, sir, men who, when they have applied the torch, themselves come here and preach sermons over the ruins they have caused, and throw the blame upon others.

Mr. Hale. This discussion has illustrated one fact which gives me very great satisfaction; and that is, that the Senator from Michigan [Mr. Cass] has avowed a principle of action directly contrary to that which was indicated by his vote upon a petition presented by me only two or three days ago, and to which I desire to call his attention. The honorable Senator, in the discrimination which he makes, says that he would reject those petitions which ask for action such as the Senate have no right to grant—as in this case he conceives that we have no power to receive such petitions; but that if any of the citizens of this country apprehend action upon the part of Congress, which they think will be deleterious to the interests of the country, they have a right to remonstrate, and that their remonstrances should be received.

How frail is human memory, Mr. President! It was only on Thursday last that I had the honor to present precisely such a paper as that of which the honorable Senator speaks—a petition of citizens coming here and asking for no action whatsoever, but merely requesting that Congress would not admit any more slave States; and on that occasion the honorable Senator voted against its reception.

Mr. Cass, (interposing.) Will the Senator from New Hampshire allow me? I understand that that petition prayed for the action of Congress to prohibit the introduction of slavery into new States.

Mr. Hale. No, sir; nothing like it: it was against action, and precisely within the definition laid down in the speech of the honorable Senator. It asked for no action whatever. I appeal, therefore, to honorable Senators, whether I was not clearly within the rule established by the honorable Senator?

Mr. Cass, (interposing.) Was it not the object of that petition to prohibit slavery in California, New Mexico, and such other States as might hereafter apply for admission into the Union?

Mr. Hale. No; nothing of the kind. It was a simple petition that Congress should not act for the purpose of admitting any State which should hereafter apply for admission with a slaveholding Constitution.

I do not know what it is that has called up such a storm on this occasion. I have before me the journal of 1848, and I find upon the 99th page that the honorable Senator from Pennsylvania [Mr. Cameron] presented a petition from the Philadelphia Anti-Slavery Society, of a precisely similar kind. There was no such excitement—no storm on that occasion—no talk about torches, and burning temples, and funeral sermons. At the same session I presented eight petitions to the same effect, and there was no such storm, and no such display of eloquence. It does not grow out of the petitions, but from something extraneous to them.

But I will turn round to address a word to the honorable Senator from Massachusetts, [Mr. Davis,] who addressed the Senate the other day upon this subject. His remarks fell upon my ear with a pain that I cannot express, when he stated that the reason why he should vote against the reception of this petition was, that we have no right nor power to grant its prayer. Well, sir, if this is the correct idea, that venerated man in Massachusetts, whose zeal in behalf of the right of petition inspired us with so much sympathy and gratitude, was all wrong. We have been all along deluding ourselves into the pertinacious asseveration of an obstinate error. If this be the whole of the right of petition, then the South has all along been in the right in this contest, and we of the North have been wrong. The gentlemen from the South affirm, and I doubt not with perfect sincerity and honesty, that they do not believe that Congress has any power over the subject of slavery in the Territories, and consequently that petitions for any action on that subject are petitions for action on the part of Congress which Congress is not authorized to take. According, therefore, to the doctrine laid down by the Senator from Massachusetts, [Mr. Davis,] those gentlemen have all along been right in voting not to receive petitions on that subject. Again, I say, sir, that, if the doctrine attempted to be established by the honorable Senator from Massachusetts is right, we have been entirely mistaken upon the whole subject of the right of petition, and that the course of gentlemen from the South has been entirely right.

Mr. Davis of Massachusetts rose to address the Chair, when

Mr. Foote (interposing) said: Will the Senator from Massachusetts allow me a word? I congratulate the honorable Senator from New Hampshire on his conversion. I congratulate him that he has at last discovered that the South has all along been right. I trust, since he has finally come to light, that he will never again go darkling along on his way, as he has formerly done. I congratulate him on his conversion.

Mr. Davis of Massachusetts. I think the honorable Senator from New Hampshire does not quite do me justice, though he intends to do so. I think that the Senate will be able to recall to their recollection the position which I took the other day when this matter was up. In the first place, in my judgment, the petitioners asked for that which was, to my mind, palpably out of our power. I went on to say that we could not grant the thing prayed for, and none of us were disposed to grant it if we could. I gave these two reasons for my intended course on that occasion; and I will now add, that what my heart tells me is right no casuistry can prevail upon me not to do, nor to do that which I believe is wrong. Now, I do say that, in asking this body to take measures to dissolve this Union, there is palpable wrong. It is wrong, not morally only, but wrong politically. It is out of our power to concede what is required of us. This satisfies my mind. I settle no principle in regard to the general right of petition. It is well known that at all times, when that right has come into question, I have supported and maintained it; but now there comes a case that I can see is palpably wrong in itself, and I am prepared to act on it *instantly*. I require no reflec-

tion on it. I require no further information. I know that we have nothing to do with the subject.

Mr. Cooper of Pennsylvania said he was opposed to the reception of the petition. I have always discriminated thus far, that the prayer of the petitioner must be respectful to the body to which it was to be presented. This petition I do not think is respectful, because it asks substantially what the Senator from Massachusetts on my left [Mr. Webster] asserts it to do; that is, that we should violate the oaths that we have taken at the chair in which you are seated. This is not respectful; it is not proper. It is asking more than we can grant; and therefore, as much as I am in favor of the right of petition, I shall vote against the reception of this petition; and if opportunity offers, vote against the petition.

[Mr. Cooper then proceeded to make an oratorical display of devotion to the Union.

Mr. Clemens of Alabama sneered at these rhetorical flourishes about the Union, and gave the cold shoulder to Northern sentimentalists.]

Mr. Clemens. I am glad to hear so many declarations, on the part of Northern gentlemen, that they do not intend to aid in accomplishing the designs expressed by these petitioners. I always listen with pleasure to such avowals; but I am constrained to say that a little more action, and a little less talking, would be more to the purpose. If Senators desire us to believe them sincere in their professions of love for the Union, that sincerity ought to be manifested by their conduct. Who has put the Union in danger? Not the South; for we have committed no aggressions, and propose to commit none. We are responsible only for making known our determination to resist oppression, come from what quarter it may. It is the North, and the North alone, who are the agitators. It is the North alone by whom this fair fabric has been shaken to its centre; and the allegation that there are Southern disunionists for the sake of disunion, is an unmitigated calumny, which shall not be pronounced in my hearing without being branded as it deserves. If you love the Union so much, cease your aggressions—pause in your efforts to destroy that Constitution which is its only bond. You need be under no apprehensions for the Union, unless your conduct makes its destruction a duty. From the South you have nothing to fear, so long as you do not attempt to perpetrate a wrong.

Sir, I do not believe there is a man in the entire South who desires disunion for itself. I hope, also, there is not one who will suffer his rights to be invaded, or his honor tarnished, no matter what may be the cost of resistance. We mean, at all hazards, to defend the Constitution. If that is faction, we are guilty. If that is disunion, we are disunionists. If that is a crime against the Republic, we have much to answer for.

I have heard enough, Mr. President, of hypocritical whining about the Union, from those who are its deadliest foes. If you want peace, you have only to say so. Let us alone. We ask no more. Or, if you will not do that, spare us your lamentations. If you are determined to destroy the Constitution, be men—own it publicly, and

take the responsibility. Do not seek to shift it on our shoulders.

Mr. Chase. A few words, and but a few, in reference to the remarks of the distinguished Senator from Michigan, [Mr. Cass.] I am glad that Senators have done individually that which the Senate is unwilling to do collectively; and by no means has that duty been performed with more ability and eloquence than by that honorable Senator. He has assigned, as have also other Senators, the reasons why the prayer of this petition should not be granted. And no one, in favor of receiving this petition, has suggested any further reason than that these reasons should be assigned by the Senate, not in debate, but by report. I have asked for even less than that—barely that the right of petition, secured by the Constitution itself, should be preserved inviolate. And the obligation to maintain that right inviolate is as binding upon every Senator by the oath he has taken to support the Constitution, as the duty of maintaining any other right secured by it.

How are we met in the argument of this question? One Senator assigns one rule by which the right of petition should be limited; another, another; and a third, one different from either. The rule of restriction which meets the most general acceptance seems to be this: that the people have no right to petition—or, if they do, have no right to be heard—unless we, to whom the petition is addressed, think it is perfectly within our power to grant its prayer. If this be so, the remark of the Senator from New Hampshire [Mr. Hale] is full of force, that every Senator is bound to vote against the reception of every petition which invokes any action whatever which in his deliberate judgment is beyond our power.

According to this rule, the honorable Senator from Michigan is bound to vote against every petition which contains in it a prayer to prohibit the extension of slavery by act of Congress. The Senator from Michigan says, indeed, he does not go so far as that. The rule, he thinks, does not present a case in which the judgment of an individual Senator against the constitutionality of the action invoked is clear; but to a case in which the judgment of the majority is clear against it. Is that a distinction which can be maintained for a moment? If I am at liberty to vote for the reception of a petition praying for action, not, in my individual judgment, within our constitutional competency, am I the less free so to vote, because a majority concur with me in that judgment? Can it be said that the Constitution is violated by a vote to receive a petition, when a majority is of opinion that its prayer cannot constitutionally be granted, but not violated by a like vote, when a single Senator so voting entertains that opinion, no matter how clearly?

I do not so understand the obligations which I come under here. Those obligations bind us to support the Constitution and maintain the Union; and while we support the Constitution and maintain the Union, we are bound also to maintain the rights of the People, and among those none more sacredly than the right of petition. Let us take care, then, that we do not nullify this right by limitations inconsistent with its free exercise, and never thought of, except when a particular sentiment is to be propitiated by the rejection of Northern petitions. I am for upholding this

right by receiving this petition. We can then take such action in reference to it as our obligations to the Constitution and to the Union require of us.

Mr. Butler. I rise to return my thanks to the honorable Senator from Pennsylvania [Mr. Cooper] for a remark that he made; and I trust I may be permitted to qualify it. He said that he hoped that the time would never come when the citizen of the South shall visit the battle-fields of the North, Saratoga and Brandywine, under a passport, and those living at Brandywine shall visit the plains of Eutaw as strangers in the land through which they pass. There are other graves, Mr. President; there are graves in California and Mexico; and they are the graves of gallant men, who interposed to secure the victory. And I hope the day will never arrive when *their* comrades or descendants may not visit their graves without the fear of expulsion.

Mr. Seward. I have no purpose of continuing this debate. I hope it is at an end; and I shall be willing to make a motion to dispose of the question as soon as I shall have barely stated a single proposition. I desire the issue that is involved in this question shall be distinctly understood. It is this: On the one side of the House, it is the proposition that this petition shall not be received; that is, it is a virtual *rejection of the petition*. On the other side, it is proposed that the petition shall be received, and referred to the Committee on the Judiciary, with instructions to report that the Senate has not the power nor the disposition to entertain the question. There is no question whether the Union ought to be dissolved at all; we are unanimous against that. Under these circumstances, I shall vote for the reception of the petition, for the reasons I have stated.

Mr. Foote, (interposing) Will the honorable Senator vote for the reception of a petition which he announced the other day, in our hearing, to be devised by madmen?

Mr. Seward. I have never yet seen the petition of any human being that I would not receive, and I do not know that I ever shall. It is not enough to justify me in refusing to *hear* any human being, that I have not the power to grant the prayer of his petition. The Constitution imposes no restriction or modification upon the right of petition. Petitions presented by madmen are harmless, and the way to render them the most harmless is, to hear them and give them an answer—a civil answer. It is a civil answer that turns away wrath. I believe that if no petitions upon the subject of slavery had been rejected, there would never have been a petition for the dissolution of the Union. So long as you suffer those who are disunionists to maintain a false issue upon the right of petition, so long do I believe that that right will be misused and perverted for such purpose. It is for that reason that I desire to receive this and all other petitions.

The distinguished Senator from Michigan [Mr. Cass] has adverted to one or two cases, and asks, by way of a parallel, whether we would receive petitions under such circumstances—as, for instance, petitions to declare that there is no God? Well, sir, I have seen an incident very similar to that tried in legislative experience. I

have seen large masses of men agitated by what they regarded as dangers of the union of the Church and the State, growing out of the employment of chaplains in legislative bodies. I have seen such petitions presented, and a great public effort made to compel the attention of the legislative body to a discussion of the question. They were received and kindly examined, and a disposition made of them, in accordance with the views of the legislative body.

The result on that occasion was a complete termination of the agitation. I remember also petitions, very numerous, circulated, being presented to legislative bodies to prohibit the reading of the Bible in the common schools, and the question then arose as to the wisest way to dispose of them. Some wished to reject and others to receive them and give them an answer. They were received, and a calm and elaborate answer made to them. That was more than ten years ago, and no petition of the kind has been since received. And no petition for the dissolution of the Union will be again presented, if we receive this, and give the answer to it that is in the mouth as well as in the heart of every member of this body. It is a simple question of reasons. We are not above giving reasons to our fellow-men. George Washington himself was not above giving a reason why this Union should not be dissolved. He gave such reasons earnestly and fully in his Farewell Address. The Senate of the United States, in my humble judgment, is not above the petition of the humblest citizen of the United States, and the declaration that they cannot and will not entertain the dissolution, is a question upon which they might, with great propriety and with great advantage, act at this time.

Mr. Foote. Does the honorable Senator mean to say that madmen have the right to send petitions here?

The question was then stated upon the motion to receive the petition.

The yeas and nays having been ordered upon the motion, were taken, and resulted—yeas 3, nays 51—as follows, viz:

Yeas—Messrs. Chase, Hale, and Seward—3.

Nays—Messrs. Atchison, Badger, Baldwin, Bell, Benton, Berrien, Borland, Bright, Butler, Cass, Clarke, Clay, Clemens, Cooper, Corwin, Davis of Massachusetts, Davis of Mississippi, Dawson, Dayton, Dickinson, Dodge of Iowa, Dodge of Wisconsin, Douglas, Downs, Felch, Foote, Greene, Houston, Hunter, Jones, King, Mangum, Miller, Morton, Norris, Pearce, Phelps, Rusk, Sebastian, Shields, Smith, Spruance, Sturgeon, Turney, Underwood, Upham, Wales, Walker, Webster, Whitcomb, and Yulee—51.

So the petition was not received.

TUESDAY, FEBRUARY 12, 1850.

Tuesday the 12th, during the morning hour, Mr. Hale presented the petition of several hundred women of Dover, N. H., protesting against the extension of slavery or admission of any more slave States.

The question of reception was raised, but the

usual motion to lay on the table failed. The vote was as follows:

Yeas—Messrs. Atchison, Benton, Berrien, Borland, Butler, Clemens, Davis of Mississippi, Dawson, Dickinson, Houston, Hunter, King, Mangum, Mason, Rusk, Sebastian, Sturgeon, Turney, and Underwood—19.

Nays—Messrs. Baldwin, Bradbury, Bright, Chase, Clarke, Cooper, Corwin, Davis of Massachusetts, Dayton, Dodge of Iowa, Dodge of Wisconsin, Douglas, Felch, Greene, Hale, Hamlin, Jones, Miller, Norris, Phelps, Seward, Shields, Smith, Spruance, Wales, and Waker—26.

Thus for the first time, for many years, was the Right of Petition vindicated, by a refusal to lay the question of reception upon the table, upon a direct vote by yeas and nays.

On this motion, Mr. Douglas took the ground that, as the Senate had decided to receive petitions from the South protesting against action, he should now vote to receive this petition from the North, which also protested against action. There should be one rule for both sections.

Mr. Butler of South Carolina tried his hand at putting down Mr. Hale, with what success, the following report will show:

Mr. Butler. Mr. President, I have petitions to offer, resolutions, and other matters, really requiring immediate action; otherwise there would be no necessity for acting upon them at all. Yet, sir, every morning a gentleman who is in the minority is monopolizing the whole time of the Senate by petitions, such as this, breeding mischief; and this without rebuke, and almost with the countenance of those who voted for these resolutions. Can this be tolerated, that the time of this Senate and the Legislature of the United States shall be appropriated by mischievous incendiaries who claim the right to introduce resolutions, memorials, and propositions of this kind to the Senate? Why, sir, I have business now that I think ought to engage the attention of the Senate, but I cannot bring it before them, for every morning that gentleman takes up the whole time. He has the whole Senate to himself. A mere minority comes here, and makes all this mischief, and stands unrebuked, so far as I can see, by the Senate. I know, sir, this is a part of his existence. I know that, in what I am now saying, I am giving him the food upon which he can feed. He lives upon mischief. It is the very food that sustains him. I know I am not rebuking him. Sir, it is *intolerable*, that a miserable minority, a mischievous incendiary, a madman, if you choose to call him so, should come here and interfere with the rights of other men upon this floor.

[Amidst cries of Order! Order! he sat down inflamed with passion.]

Mr. Hale. I have a word to say, sir, to the Senator from South Carolina, [Mr. Butler.] He says that I live upon mischief, and that he gives me the food I live on. If that be the case, he is responsible for it, and not myself. But to be more serious; he is pleased to denounce me as a miserable minority, and complains of my trespassing upon the privileges of the Senate. I leave that

question to be decided by the community, who it is that trespasses upon the time of the Senate. If he will have to talk longer, and denounce me, before he can convince me that this has been my prerogative.

I have "taken up the whole time of the Senate!" Have I, sir? For two mornings, and only two, have I presented anything of the kind since the year 1850 commenced; one of them was the other day, and the other was this morning. So it was I, from saying anything to take up your time, that I confined myself simply to stating what the nature of the petitions was. The talk did not come from the "miserable minority," but from the majority. I will not apply any adjective to them, but I have enough at hand, that I could use if I chose. The mischief comes from a majority, that seeks to tread down the minority—that desires to make them more miserable than they really are. "Miserable" as we are, I think the Senator will find out that our power of speech is not exhausted; and while we may exercise it within the privileges of the Constitution, he will find that it will be exercised at any and at all hazards.

We are not to be frightened out of our rights upon this floor by denunciation, or even by the threat of danger personal to ourselves. Small and few as we are, we are not miserable cowards that can be frightened from the assertion or the maintenance of our rights. New Hampshire blood, coursing in New Hampshire veins, from the commencement of this Government, in the Senate, in the House of Representatives, and upon the field of battle, has attested her rights; and she has sons that will still vindicate those rights against all her foes, *come when they will, how they will, and where they will*. She will not be intimidated by threats, or any language of the sort.

[The stern emphasis with which Mr. Hale spoke sent a thrill through the Senate, and an attempt at applause in the galleries, immediately suppressed by the Vice President, showed the sympathy of the spectators.]

The petition went over till the next day, when, without further debate, it was received, and referred to the Committee on Territories.

